

Joint Waste Disposal Board

Notice of Meeting

Thursday, 16 June 2022 (9.30 am)

TO: All Members of the Joint Waste Disposal Board

You are invited to attend a meeting of the Joint Waste Disposal Board on **Thursday 16 June 2022 at 9.30 am** in the Councillors' Meeting Room 1 - Civic Offices, Bridge Street, Reading. An agenda for the meeting is set out overleaf.

Oliver Burt
Project Director

Members of the Joint Waste Disposal Board

Councillor Mrs Dorothy Hayes MBE, Bracknell Forest Council
Councillor John Harrison, Bracknell Forest Council
Councillor Tony Page, Reading Borough Council
Councillor Clive Jones, Wokingham Borough Council
Councillor Ian Shenton, Wokingham Borough Council
Councillor Karen Rowland, Reading Borough Council

Emergency Evacuation Instructions

If you hear the alarm:

- 1 Leave the building immediately
- 2 Follow the green signs
- 3 Use the stairs not the lifts
- 4 Do not re-enter the building until told to do so

Joint Waste Disposal Board
Thursday 16 June 2022 (9.30 am)
Councillors' Meeting Room 1 - Civic Offices, Bridge Street, Reading.

Agenda

Page No

1. **Apologies for Absence**
2. **Declarations of Interest**

Members are asked to declare any disclosable pecuniary or affected interests in respect of any matter to be considered at this meeting.

Any Member with a Disclosable Pecuniary Interest in a matter should withdraw from the meeting when the matter is under consideration and should notify the Democratic Services Officer in attendance that they are withdrawing as they have such an interest. If the Disclosable Pecuniary Interest is not entered on the register of Members interests the Monitoring Officer must be notified of the interest within 28 days.

Any Member with an affected Interest in a matter must disclose the interest to the meeting. There is no requirement to withdraw from the meeting when the interest is only an affected interest, but the Monitoring Officer should be notified of the interest, if not previously notified of it, within 28 days of the meeting.
3. **Minutes of the Meeting of the Joint Waste Disposal Board** 5 - 8

To approve as a correct record the minutes of the Joint Waste Disposal Board held on 3 March 2022.
4. **Urgent Items of Business**

To notify the Board of any items authorised by the Chairman on the grounds of urgency.
5. **Introduction from re3 Chair**
6. **re3 Partnership Report and Presentations** 9 - 14

To receive presentations by officers and the contractor on the following items:

 - Social Value delivered through the re3 contract
 - Climate Change progress achieved
 - Waste composition and potential financial benefits
7. **re3 Progress Report** 15 - 22

To brief the re3 Joint Waste Disposal Board on progress in the delivery of the re3 Joint Waste PFI Contract.
8. **re3 Waste Consultation Report** 23 - 42

To brief the re3 Board on the following three important consultations and propose responses, from the partnership.

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Classification: OFFICIAL

**JOINT WASTE DISPOSAL BOARD
3 MARCH 2022
(9.30 - 11.00 am)**

Present: Bracknell Forest Borough Council
Councillor Mrs Dorothy Hayes MBE
Councillor John Harrison

Reading Borough Council
Councillor Adele Barnett-Ward
Councillor Tony Page

Wokingham District Council
Councillor Gregor Murray

Officers Oliver Burt, re3 Strategic Waste Manager
Monika Bulmer, re3 Marketing & Communications Officer
Sarah Innes, re3 Performance Officer
Jayne Rowley, re3 Finance Officer
Kevin Gibbs, Bracknell Forest Council
Damian James, Bracknell Forest Council
Andy Edwards, Reading Borough Council
Richard Bisset, Wokingham Borough Council

Apologies for absence were received from:

Councillor Parry Batth, Wokingham Borough Council

56. Declarations of Interest

There were no declarations of interest.

57. Minutes of the Meeting of the Joint Waste Disposal Board

The minutes of the meeting of the Joint Waste Disposal Board held on the 2 December 2022, be approved as a correct record.

58. Urgent Items of Business

There were no urgent items of business.

59. JWDB Progress Report March 2022

The Board received a report on progress in the delivery of the re3 Joint Waste PFI Contract.

The report covered:

- re3 and Council Performance Statistics
- HWRC Trade Waste Service
- Data protection
- User Satisfaction
- Communications
- Reuse of Bicycles

Sarah Innes reported the performance statistics for all three Council the provisional

recycling rates for April 2021 – February 2022 were:

BFC – 56.4%

RBC – 51.4%

WBC – 54.2%

This was a decrease for all 3 councils on 0.3-0.4% compared to the figures within the report, quarter 4 was always the lowest performing quarter, however did not change the conclusions within the report which expected all Councils to be above 50% by the end of the year.

The limit of 100 registered businesses had been reached for trade waste, there were a handful of traders who visited on a regular basis, the majority of traders were inactive or infrequent users and therefore a user survey had been undertaken, there had been 15 respondents so far. Of those, 2 users said they had not visited in 2021, 4 users said that they had visited in 2021 quarterly. There had been comments from traders regarding the booking system which would be looked at. So far it had been concluded that Trade Users use the system infrequently therefore a trial was proposed that would allow traders to visit on a one off basis, all the documentation checks would still need to take place.

There were 30 users who had registered but had not used the scheme in the past year, who would be written too as there was currently a waiting list.

In 2018 a Data Protection policy had been written setting out guidelines for officers sharing personal data within the re3 partnership. This was an easy-to-read document which set out the principles to follow. This document had been reviewed and recirculated with staff.

A couple of years ago, there was a start up campaign in Wokingham called My Journey who had a single figure number of bikes to help people get around who needed it. Some bikes had also been sold via the pop-up shop and through Sue Ryder. There Officers would review the reuse of bikes and the terms under which they can be made available for other reuse interests as it was important to ensure that appropriate care is exercised in the case of bike reuse and handled appropriately. My journey still was in operation in Wokingham and fell under Councillor Bathth portfolio. Members in Bracknell Forest were looking at a Bicycle reuse scheme and would bring any proposals to the Board for consideration.

As a result of the Boards comments and questions, the following points were made:

- There was an issue in Reading with HMO landlords who needed to dispose of waste once tenants had moved out. They were unable to use Smallmead as they were not residents, the new scheme for Trade Waste would be open to them as long as their usage fit in with the site rules. Generic information to local business had been sent out, but it had specifically targeted landlords, but this could be looked at.
- The booking system used data held by the journey system and was only accessible by Sarah and the contractor.

RESOLVED that

- i. Members noted the contents of this report.

- ii. Members instruct Officers to develop and implement a trial, in which single deposits of trade waste can be accommodated at the re3 recycling centres, as described from 5.10 of the report.

60. **Exclusion of Public and Press**

RESOLVED that pursuant to Regulation 21 of the Local Authorities (Executive Arrangements) (Access to Information) Regulations 2000 and having regard to the public interest, members of the public and press be excluded from the meeting for the consideration of item 7 & 8 which involves the likely disclosure of exempt information under the following category of Schedule 12A of the Local Government Act 1972:

(3) Information relating to the financial or business affairs of any particular person.

61. **Contract Review Report**

The Board received the Contract Review Report which provided a strategic review of re3 shared waste PFI Contract for the re3 Joint Waste Disposal Board.

RESOLVED that

- i. Members note the contents of the re3 Contract Review.
- ii. That Members indicate their preference for how officers should approach preparing for decisions on future changes.

62. **Financial Report**

The Board received the Finance Report which briefed the re3 Joint Waste Disposal Board on the Partnership's current financial position and confirmed the second draft budget.

RESOLVED that

- i. Members note the Partnership's financial position for the year to date.
- ii. Members note the contents of this report.

63. **Date of the Next Board Meeting**

The next meeting would be held at 9.30am on 8 June 2022.

CHAIRMAN

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TO: JOINT WASTE DISPOSAL BOARD
9th June 2022

Re3 WASTE PARTNERSHIP REPORT **Report of the re3 Project Director**

1 INTRODUCTION

1.1 This report accompanies presentations, made to the re3 Board by Officers and the Contractor, on the following items:

- Social Value delivered through the re3 contract
- Climate Change progress achieved
- Waste composition and potential financial benefits

2 RECOMMENDATION

2.1 That Members note the contents of this report and accompanying presentations.

3 ALTERNATIVE OPTIONS CONSIDERED

3.1 None for this report.

4 REASONS FOR RECOMMENDATION

4.1 The purpose of this report is to brief Members, in accompaniment to presentations to the re3 Board, in relation to three strategically important aspects of the councils' shared waste contract.

5 PROGRESS IN RELATION TO WASTE MANAGEMENT

Social Value

5.1 The Public Services (Social Value) Act came into force in 2013. It encourages public sector procuring organisations to seek a wider range of benefits through service provision. Specifically, local government has a duty to have regard for economic, social and environmental wellbeing through public service contracts. Since 2018, Social Value has been part of the evaluation process for large Government Contracts.

5.2 The concept of social value was not explicitly recognised during the award of the re3 contract. However, the service is largely focused on local provision and, with the support of the Contractor, FCC, it has been possible to evaluate the social value from the re3 Contract.

5.3 The Contractor has commissioned Thrive, a social value consultancy, to assist in quantifying the social value delivered through its contracts, including re3. The Thrive approach is fully aligned with the UK Government Social Value Model. As a result, the results can be confidently included within any statutory reporting.

5.4 The Contractor and Thrive worked together to select, from the Government model, the indicators that are applicable to the re3 contract. They are as follows:

- Tackling Economic Inequality

- Supply Chain Resilience
- Fighting Climate Change
- Wellbeing

- 5.5 In accordance with the Government rated values for the above example activities, Thrive and FCC calculated that the social value derived from the re3 Contract amounts to £18,911,007 per annum.
- 5.6 It represents a significant amount of inward investment, reflecting the shared nature of the contract and how the scale of working together can increase impacts.
- 5.7 The reporting of social value will be included in future reporting to the re3 Board. It may also be possible, as above, to utilise the Thrive and FCC calculations in assessing service changes and/or future developments within the re3 Contract.

Climate Change

- 5.8 At the re3 Board meeting on 3rd March 2022, officers reported that the re3 arrangements, over a 7-year period since 2015, had made considerable progress in reducing the climate impact of waste treatment.
- 5.9 Officers explained that further work would be undertaken, to incorporate important associated activities, such as haulage and energy usage. That work, with contributions from the Contractor, has now been progressed.
- 5.10 The updated information includes the use of oil and diesel average amount of CO²e (equivalent) emitted as a result of waste treatment in the re3 area has reduced from 117kg to 53kg (each per tonne of waste treated).
- 5.11 Table 1, below, shows how the combined activities and treatments contribute towards the overall climate change impact from managing, principally household, waste in the re3 area.

Table 1 - re3 CO2 Emmissions (kg/t)

	2015/2016	2016/2017	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022
Recycling - Co2	821,463	766,014	741,979	769,397	754,621	785,098	878,133
Composted - Co2	235,481	295,222	229,655	217,306	225,227	223,865	231,054
Energy Recovery - Co2	1,533,030	1,555,541	1,882,646	1,640,358	1,691,299	1,857,388	1,556,676
Landfilled - Co2	20,309,790	16,828,278	9,765,432	13,473,672	9,963,145	7,662,259	4,659,573
Beneficial Use - Co2	11,228	8,131	2,139	1,820	1,580	1,266	1,708
Food Waste - Co2	0	0	0	0	46,125	71,949	179,143
Street Sweepings - Co2	172,997	312,295	332,499	329,373	366,306	322,554	275,294
Passthrough - Co2	305,379	266,931	220,486	201,646	117,708	80,516	95,716
Total Waste Kg Co2e	23,389,369	20,032,412	13,174,836	16,633,572	13,166,010	11,004,895	7,877,295
Fuel - Gas oil	396,255	386,503	336,373	336,248	333,006	312,849	367,059
Freight - Diesel	0	0	1,229,401	874,693	826,780	887,403	1,359,402
Total Kg Co2e	23,785,624	20,418,915	14,740,610	17,844,512	14,325,796	12,205,147	9,603,756
<hr/>							
Total Co2 Kg Emmsions							
per Tonne of waste	117.80	103.47	81.11	100.02	80.40	66.69	53.43

N.B. Diesel Figures for 2015/2016 and 2016/2017 not available

- 5.12 The three councils have had some success, over many years, in reducing the amount of landfill utilised. That has been greatly helped, more recently, by the inclusion with the re3 arrangements of food waste processing – it’s influence can be seen from 2019 onwards.
- 5.13 Diverting more waste away from landfill and energy from waste (EFW) is achievable. This will require the councils to make their existing waste collections (for food and recyclables) even more effective.
- 5.14 The use of fuel has been added to the data in Table 1 since the last meeting. The level of haulage needed, in managing waste from the re3 area, will be challenging to address. The UK does not have enough waste treatment capacity – most importantly for recycling – at present. The re3 arrangements use very little non-UK treatment but moving waste around the country inevitably means using heavy good vehicles (HGV). This is an area for further consideration.
- 5.15 Officers will continue to monitor and report this information, so it can be used to support decision-making.

Waste Composition and Potential Financial Benefits

- 5.16 The re3 Project Team recently commissioned an analysis of the residual waste generated by residents in the re3 area. The analysis identifies the amounts of recyclable material that remain within waste for disposal, which is collected from residents. The results of the analysis are shown in Table 2, below.

Table 2 – Waste Composition Analysis Results (per council) and estimate of annual tonnage

Residual Waste Composition (%)					Tonnage 22/23			
Material	RBC	BFBC	WBC	Avg	RBC	BFBC	WBC	re3 Total
News & Pams	1.64	1.07	0.73	1.15	406	186	196	788
Mixed Paper	5.62	5.37	4.76	5.25	1,388	927	1,277	3,593
Card	5.58	2.12	3.39	3.69	1,378	366	908	2,652
Ali Cans	0.74	0.89	0.70	0.78	183	154	188	525
Steel Cans	1.03	0.64	0.36	0.67	255	110	96	461
PET Clear	2.20	4.41	1.41	2.67	543	762	378	1,684
PTT / Mixed Plastic	1.24	1.01	1.30	1.18	305	174	349	829
HDPE Clear	0.20	0.21	0.24	0.22	51	36	64	150
HDPE Jazz	0.23	0.19	0.18	0.20	57	33	48	138
Tetrapak	0.30	0.36	0.17	0.28	74	63	47	184
Metals (non cans)	0.93	2.62	2.76	2.11	231	452	741	1,424
Textiles	2.48	4.70	7.39	4.86	613	812	1,982	3,407
WEEE	2.18	2.05	2.01	2.08	539	354	539	1,432
Foil	0.42	0.39	0.20	0.34	103	67	54	224
Glass Bottles	5.31	5.08	4.62	5.01	1,312	878	1,240	3,430
Wood	0.91	1.88	1.38	1.39	224	325	370	919
Food Waste	27.43	19.16	20.71	22.43	6,779	3,309	5,553	15,641
Garden Waste	9.24	9.67	4.44	7.78	2,282	1,670	1,191	5,143
Nappies	6.70	10.23	6.98	7.97	1,656	1,768	1,871	5,295
Plastic Film / Bags	8.26	7.30	7.49	7.68	2,041	1,260	2,009	5,311
Other	17.36	20.65	28.76	22.26	4,289	3,568	7,713	15,569
Total	100.00	100.00	100.00	100.00	24,710	17,274	26,814	68,798

- 5.17 The left-hand block in the table above illustrates the different types of material within residual waste, and their relative proportions (as a % of overall weight). The right-hand block estimates the likely tonnage of each type, for 2022/23, based on the composition data.
- 5.18 The coloured rows (light-blue, pink and green), each represent a missed opportunity. In each case they are waste types which were present within residual waste, for disposal, even though they can be recycled via council collections or the HWRCs.
- 5.19 The bottom three, coloured, rows (grey) represent waste streams for which no current alternative to disposal exists. Further work will be undertaken to seek alternative treatments. In the case of 'Plastic Film/Bags' we know that it will become a requirement for this stream to be recycled by 2026/27.
- 5.20 There remain significant amounts of recyclable material available. Presented as in the table above, the overall amounts are as follows:

Category	RBC	BFC	WBC
Collectable from residents (t/pa)	14,217	8,684	13,660
Deliverable by residents (t/pa)	224	325	370
Collectable from or Deliverable by residents (t/pa)	2,282	1,670	1,191
Total (t/pa)	16,724	10,678	15,221

- 5.21 The re3 Project Team and Contractor, FCC, have undertaken further analysis of the composition data, to reflect the above results in a financial context.
- 5.22 The value to the councils, if all the above waste streams were recycled, and disposal costs were avoided, is assessed to be £3.31m.
- 5.23 The value to the councils, if some of the above waste streams, having been diverted from disposal, were sold at current market rates is assessed to be £1.69m.
- 5.24 Accordingly, the unrealised value for the re3 partnership, currently lost via residual waste, is assessed to be £5.00m per annum (£3.31m + £1.69m).
- 5.25 The re3 Project Team and Contractor will work with the respective council teams to support the greater capture of recycling, and to accurately target and measure savings.
- 5.26 A further composition analysis will be scheduled for 2023.

6 **ADVICE RECEIVED FROM ADMINISTERING AUTHORITY**

Head of Legal Services

- 6.1 None for this report.

Corporate Finance Business Partner

- 6.2 None for this report.

Equalities Impact Assessment

6.3 None.

Strategic Risk Management Issues

6.4 None

Climate Impact Assessment

6.5 None.

7 CONSULTATION

7.1 Principal Groups Consulted

Not applicable.

7.2 Method of Consultation

Not applicable.

7.3 Representations Received

Not applicable.

Background Papers

None for this report

Contacts for further information

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TO: JOINT WASTE DISPOSAL BOARD
16th June 2022

PROGRESS REPORT
Report of the re3 Project Director

1 INTRODUCTION

1.1 The purpose of this report is to brief the re3 Joint Waste Disposal Board on progress in the delivery of the re3 Joint Waste PFI Contract.

2 RECOMMENDATIONS

2.1 **That Members note the contents of this report.**

2.2 **That Members approve the recommendation at 5.20 to discontinue the reporting of Sainsbury’s bring bank tonnages and add a statement on the re3 website to highlight the separate nature of the council services.**

2.3 **That Members approve the recommendation at 5.31 to end the rigid plastics recycling trial and make the service a permanent arrangement at both recycling centres.**

3 ALTERNATIVE OPTIONS CONSIDERED

3.1 None for this report.

4 REASONS FOR RECOMMENDATION

4.1 The purpose of this report is to brief Members in relation to progress in delivery of the re3 Joint Waste PFI Contract.

5 PROGRESS IN RELATION TO WASTE MANAGEMENT

Councillor and Stakeholder Briefing Sessions

5.1 The re3 partnership is a significant and successful example of councils working together to provide services to residents.

5.2 The arrangements provided through the partnership are complex. For example:

- The shared facilities manage over 500,000 vehicles every year, receiving, sorting and hauling-onwards, to treatment or disposal, 175,000 tonnes of waste.
- There are 62 specific waste streams, managed through the re3 arrangements, and each sent to a specific destination and/or treatment.
- Market requirements for secondary materials, for recycling, often change daily. Nearly all of our waste remains in the UK, but some is exported to near-Europe.
- Economic factors and developments in packaging, mean that the content of waste is changing all the time.

5.3 In preparation for significant developments in waste over the next few years, the re3 Project Team is preparing some Member and Officer briefing sessions about the re3 shared arrangements. The sessions will be specific to each council, can be online or

in person, and will be arranged as convenient.

- 5.4 A further, online, session will be arranged for residents, in the autumn. It will be a chance for residents to hear about the shared arrangements, what happens to their waste and to ask questions.

re3 and Council Performance Statistics

- 5.5 The provisional recycling rates for 2021/22 are presented below alongside a comparison with 2020/21.

	2020/21	2021/22	Increase
BFC	43.5%	56.2%	12.7%
RBC	36.0%	51.5%	15.5%
WBC	49.5%	54.2%	4.7%

- 5.6 In Bracknell, there was a 33% reduction in kerbside residual waste following the introduction of three-weekly residual waste collections and the roll out of food waste caddies from March 2021. Of the reduced tonnage, about two thirds was diverted food waste. Some of the waste appears to have been diverted to the recycling centre and there was a 5% reduction in overall household waste arisings.

- 5.7 In Reading, there was a 34% reduction in kerbside residual waste following the introduction of smaller residual waste bins, and the roll out of food waste collections from February 2021. Of the reduced tonnage, just over half was diverted food waste. There was also an 8% increase in mixed dry recyclables, some waste was also diverted to the recycling centre and a 3% reduction in overall household waste arisings.

- 5.8 In Wokingham, there was an 8% reduction in kerbside residual waste. This probably reflects some return to normal following the first year of the pandemic; with more waste being received at the recycling centres. There was also a 2% reduction in the received tonnage of waste collected as ‘mixed dry recycling’ at the kerbside. Officers consider that a contributory factor may be the reduced moisture content, made possible through the introduction of waterproof bags. The waterproof bags enabled 100% of the waste to be processed via the MRF in 2021/22.

- 5.9 The provisional 2021/22 recycling rates for the re3 recycling centres are presented below alongside a comparison with 2020/21.

	2020/21	2021/22	Decrease
Longshot Lane	72.1%	68.5%	3.6%
Smallmead	76.3%	74.0%	2.3%

- 5.10 At Longshot Lane, there was a 24% increase in waste received, which included an 18% increase in recyclable waste, and a 41% increase in residual waste.

- 5.11 At Smallmead, there was a 35% increase in waste received, which included an 31% increase in recyclable waste, and a 48% increase in residual waste.

- 5.12 In 2020/21, recyclable waste received at the re3 recycling centres fell by 33% as a result of the pandemic, and residual waste fell by a similar amount – 37%. The greater increase in residual waste tonnages in 2021/22, may therefore be linked to the changes made at the kerbside.

- 5.13 The provisional recycling rates for April 2022 are presented below alongside a

comparison with quarter 1 of 2021/22.

	2020/21 (Qtr1)	2021/22 (April)
BFC	58.4%	56.5%
RBC	53.0%	51.7%
WBC	55.3%	56.5%

- 5.14 Members will observe that the April recycling rates for Bracknell and Reading, are below the quarter one figures for last year. Analysis shows that performance for April is actually slightly above the performance for April alone last year. However, the HWRC recycling rates were especially high in April, due to a smaller amount of residual waste being weighed out in this month. The Smallmead recycling centres was particularly high at 92%, and this will come down in the coming months. As a result it is probably too early at this stage to assess how performance in 2022/23 will compare to that from 2021/22.

Supermarket Bring Banks

- 5.15 The re3 Councils have a statutory duty to report Local Authority Collected Municipal Waste (LACMW) via Waste Data Flow. LACMW is defined as any municipal waste which is collected under arrangements made by a local authority. This encompasses household waste, or similar, collected by the unitary authority directly or by formal or informal agreements with third parties.
- 5.16 Where a supermarket collects waste through its own private arrangements, the supermarket can voluntarily report data, and this can be included in Waste Data Flow returns as LACMW.
- 5.17 Over a number of years, the Sainsbury's Supermarkets within the Bracknell Forest and Wokingham Borough areas have reported tonnages of glass, plastics, cans, paper and cardboard collected at recycling banks located at their stores. In 2020/21, Sainsbury's bring banks contributed 0.76% to the Bracknell recycling rate and 0.62% to the Wokingham recycling rate.
- 5.18 Following notification in April that the off-taker (the company emptying the banks) for this material had changed, Officers sought updated information via council colleagues about the processing of this waste. In response it was confirmed that the plastics, cans, paper and cardboard collected at these banks is no longer recycled.
- 5.19 The bring bank arrangements at Sainsbury's supermarkets are entirely separate to the kerbside or bring bank collections undertaken by the councils. The re3 Partnership has no control over how the Sainsbury's waste is processed and no obligation to report this waste as LACMW.
- 5.20 Although the tonnage of recycled glass from this source outweighs the quantities of non-recycled materials, Officers recommend that we no longer include these tonnages in the Council statistics. If Members agree this recommendation, Officers will add a statement on the re3 website and re3cyclopedia app to ensure that residents are aware of the separation and to help prevent the recycling efforts of the re3 Partnership, and its residents, being undermined by the actions of a third party.

re3Grow Compost

- 5.21 Members will recall that 10,000 bags of 40L compost were ordered for sale at the Recycling Centre. The sales began in mid-March with more than 5,800 bags having been purchased by residents as of the end of May.

- 5.22 As Members will be aware, the Partnership also launched the Community re3Grow scheme on 13th of May. Through this scheme, local community groups are able to apply to receive free bags of compost to help promote environmental principles. In order to support improvement works in the re3 area, up to 5000 bags will be made available through this scheme in June, July and August.
- 5.23 The scheme has been advertised through a press release, newsletters and social media, as well as on the re3 website.
- 5.24 As of the 30th of May, 46 applications had been received. Officers will share details from the expression of interest forms with Members of the Joint Waste Disposal Board in early June so that decisions can be made about which applications to approve.
- 5.25 Officers look forward to receiving photos and data from the community groups who receive the re3Grow compost and will publish relevant information about the benefits of the scheme as it develops.

Rigid Plastics Recycling Trial

- 5.26 Members will recall that a rigid plastics recycling trial commenced at both Recycling Centres in early July 2021. The purpose of the trial was to enable the costs and benefits of the service to be assessed.
- 5.27 At the meeting of the Joint Waste Disposal Board in December, Officers reported that the average cost per tonne in September and October stood at £133. Although this was below the cost of sending the same waste to landfill, Members agreed that the trial should be extended until June 2022, whilst Officers continued to work with the Contractor to ensure that transport of loads was efficient.
- 5.28 As no improvement was seen in the first few months of 2022, Officers requested that a joint meeting with the Offtaker and the Contractor take place in March. During this meeting, the offaker again confirmed that the weights could be further increased without compromising recyclability.
- 5.29 Officers are now confident that the cost of the recycling the plastics will remain consistently below the cost to send the same waste to landfill. Between January and April, the estimated cost was £134 per tonne, compared to £147 for landfill. During the course of the trial, no contamination payments have been requested and the reprocessor has confirmed that the material from re3 is of a high quality.
- 5.30 Residents have also continued to make good use of the service; with over 260 tonnes of rigid plastics having been sent for recycling in the nine months between July and March (inclusive).
- 5.31 Although a review of the transport arrangements will continue, it is recommended that Members request that this service now be made permanent. Our suggested target is to ensure that the cost of recycling rigid plastics is at least 15% below the cost of landfill.

Mixed Glass

- 5.32 Members will recall that the re3 glass recycling banks began accepting mixed glass in November 2021. Machinery at the reprocessor sites separates the glass by colour, so that it can be recycled back into bottles and jars, without residents needing to separate the glass into multiple banks.

- 5.33 At the December meeting of the Joint Waste Disposal Board, Officers advised that the benefits were expected to include reduced numbers of overflows, options to optimise the collection schedules and more efficient transport.
- 5.34 A six-month review took place with the re3 Contractor in May 2022, to review the service. The data demonstrates the following:
- There were 38 overflows in the period between mid-November and mid-May. This compares to 67 overflows in the same period in 2018/19. (There were also significantly more overflows in the same period in 2020/21, but these were affected by higher tonnages experienced during the pandemic).
 - There were six initial sites that the Contractor identified where reduced collections are possible now that the risk of one bank overflowing, whilst others are partially empty, has been reduced. The councils are liaising with the Contractor about other sites where schedule changes may be possible. These will then be rolled out and monitored. Optimising the collection schedules has financial benefits for the councils and it may be possible to re-route the rounds to lead to environmental benefits also.
 - In April 2022, the glass trucks transported almost 2% more glass per load, than in the same month in 2021. Previously the vehicles had to return to the transfer station when a compartment in the vehicle became full. Now that separate compartments are not required, the transport has become more efficient.
- 5.35 It has been identified that there are a small number of sites where residents are continuing to separate their glass by colour. Feedback from the glass truck drivers indicates that some residents remain unaware of the recent changes. Although mixed glass stickers are already present on the banks, larger stickers will be produced for these sites, to reduce any confusion and to encourage mixing in the banks.

Communications

- 5.36 On Friday 13th May, re3 launched the Community re3Grow Scheme, a joint venture between re3 and FCC Environment. Over the summer period, up to 5000 (40L) bags of re3Grow compost will be awarded to community groups in the re3 area for free. re3 will welcome expressions of interest from community groups who can demonstrate how the compost will be used for a community benefit. The provision of free compost is designed to promote recycling and community activities within the re3 area and a third of the bags will be available for allocation in each authority area over the course of June, July, and August. The lead members of the JWDB will decide which groups are awarded the bags.
- 5.37 re3 were made aware that there have been a few near misses at the HWRC's, due to children exiting cars whilst their guardians are using the facilities. We have planned some communications about safety on our sites, which we will be consistently promoting over summer.
- 5.38 Whilst engagement with residents who already follow our communication channels remains high, the re3 social media channels have not gained many new followers over the past quarter. In response to this, a targeted, paid advert has been created through Meta Business Suite, to advertise our page and services to the local re3 community. The advert will run for one month.
- 5.39 Filming for a planned series of educational videos about how recycling is sorted once it reaches our Smallmead facility is underway. The first video will focus on what happens to household recycling if it is contaminated with non-recyclable materials. The video will aim to educate residents about the consequences of contaminating

their recycling.

- 5.40 A new update was released to the re3yclopedia phone app at the end of May. The phone app now utilises a new barcode technology, that allows residents to scan their items to learn how to best recycle them. We have soft launched the update and are planning some more focused communications around the new app updates over the next quarter.
- 5.41 The MRF robot picker is now fully functional at the Smallmead facility. With the optimisation stage complete, the AI-driven waste picking robot is now fully technically and commercially operational, using computer vision to sort types of plastics and achieving purity with less than 1% contamination.

Council Objectives and Performance Information Review

- 5.42 At the March re3 Board meeting, Members discussed the importance of corporate objectives being met through the delivery of the re3 contract.
- 5.43 The re3 Project Team has collated the existing corporate objectives of the three councils. They are shown at Appendix 1.
- 5.44 Appendix 1 also includes a list of other measurables, either related to statutory reporting or because it reflects an important business area for the partnership and shared arrangements.
- 5.45 At present, data and information about waste management can sometimes be requested and/or used in an ad hoc way by the councils. A more targeted approach would be beneficial – reflecting greater focus on objectively important areas of the business and to assist in directing resources appropriately. It is also important to ensure that performance information is given the same importance as financial information. Such approaches will be important in supporting the councils as legislative change emerges.
- 5.46 Accordingly, the re3 Project Team will undertake a review of performance information, supported by the Contractor. The purpose of the review will be to:
- a. Identify data collection, manipulation and sharing efficiencies.
 - b. Balancing the collection and use of information with genuine business needs.
 - c. Reducing the time burden of statutory reporting.
 - d. Move information processes towards emerging legislative requirements.

- 5.47 The re3 Project Team will share the results with the Board, at a subsequent meeting, for approval.

6 ADVICE RECEIVED FROM ADMINISTERING AUTHORITY

Head of Legal Services

- 6.1 None for this report.

Corporate Finance Business Partner

- 6.2 None for this report.

Equalities Impact Assessment

6.3 None.

Strategic Risk Management Issues

6.4 None

Climate Impact Assessment

6.5 None.

7 CONSULTATION

7.1 Principal Groups Consulted

Not applicable.

7.2 Method of Consultation

Not applicable.

7.3 Representations Received

Not applicable.

Background Papers

December 2021 re3 Board

Contacts for further information

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TO: JOINT WASTE DISPOSAL BOARD
9th June 2022

Re3 WASTE CONSULTATIONS REPORT

Report of the re3 Project Director

1 INTRODUCTION

- 1.1 This report provides a briefing for the re3 Board on three important consultations and proposes responses, from the partnership.
- 1.2 The consultations are as follows (please note that the first two are part of the same consultation):
 - Call for evidence on Booking Systems at household waste recycling centres.
 - Technical consultation on preventing charges to householders for the disposal of “DIY” waste at household waste recycling centres.
 - Introduction of a UK Emissions Trading System.

2 RECOMMENDATION

- 2.1 **That Members endorse, subject to any amendments they wish to make, the draft partnership responses that accompany this report and request the Project Director to submit them on behalf of the re3 councils.**

3 ALTERNATIVE OPTIONS CONSIDERED

- 3.1 None for this report.

4 REASONS FOR RECOMMENDATION

- 4.1 The purpose of this report is to brief Members on the proposed content of three elements within (two separate) Government consultations.

5 CONSULTATIONS

Booking System

- 5.1 Following the closure of the sites during the first national, Covid lockdown in 2020, the re3 partnership introduced a booking system to assist in the resumption of the HWRC service,. The booking system assisted the councils in operating the sites safely and ensuring that residents could observe social distancing.
- 5.2 Benefits, beyond those relating to previous social distancing requirements, are apparent. They include:
 - Reduce queuing and ease of access at the sites.
 - Improved conditions, on site, for users.
 - Improved access to the waste facilities for council refuse freighters and other council users
 - Reduced impact from queuing on neighbours of the two HWRCs
 - Close to real-time assessment of patronage of the HWRCs, per council.
- 5.3 However, we know that some residents would still prefer to be able to visit the HWRCs

without the requirement to book a visit.

- 5.4 The re3 Board decided to retain the booking system through to November 2022. A decision on whether to retain the booking system should be taken before then.
- 5.5 The draft re3 consultation response makes three principal observations. They are as follows:
1. The booking system was introduced to manage the period when social distancing was a requirement and/or a preference for many residents.
 2. Since its introduction, other benefits (listed in the consultation response) have become apparent – both for site users, the councils and neighbours of the HWRC sites.
 3. No decision has been taken by the re3 councils on future retention of the booking system.
- 5.6 The proposed response is appended to this report. Subject to any comments they may wish to make, Members of the re3 Joint Waste Disposal Board are recommended to endorse the response.

Charging for “DIY” Waste at HWRCs

- 5.7 The re3 partnership has charged for some types of waste, delivered to the re3 Household Waste Recycling Centres at Longshot Lane and Smallmead, since 2016.
- 5.8 The charges are levied against a short list of waste types. The broad list is as follows: soil, rubble, gas bottles, asbestos, plasterboard, sanitaryware (toilets/sinks).
- 5.9 No charges are levied against waste types that can be recycled, such as wood, garden waste, cardboard etc.
- 5.10 Existing re3 charges are:
- Based on the principle of asking residents to pay for the waste they (or their DIY works) have generated - rather than all taxpayers covering the aggregate cost.
 - Non-profit-making. They cover only the cost of handling and/or treating the waste.
 - Levied in accordance with the Controlled Waste Regulations 2012.
- 5.11 The consultation identifies that Government wishes to prevent the charging for what it calls “DIY” waste. As a result, the consultation seeks feedback on the appropriateness of its definition of “DIY” waste, with which it intends to vary the Controlled Waste Regulations 2012.
- 5.12 The draft re3 consultation response makes five principal observations. They are as follows:
1. The means of determining when waste that is presented at an HWRC qualifies as “DIY” waste is impractical.
 2. The DEFRA and DLUHC proposal introduces an unnecessary limitation, for “DIY” waste to be defined by being delivered to an HWRC no more than once a week.
 3. The DEFRA and DLUHC proposal seeks to define “DIY” as referring to amounts of waste of up to 300 litres in volume (explained as the boot capacity

of an average car). For some common waste types, such an amount may breach the permissible payload for many average-sized vehicles.

4. That the decision by DLUHC to waive the New Burdens Doctrine, even though there will be a financially detrimental change in law, will mean that the re3 councils will experience an immediate budget pressure of c£170,000 per annum, from the proposed change.
5. The DEFRA and DLUHC proposals, may increase the amount of waste handled through HWRCs as current, quite reasonable, moderating conditions are removed.

5.13 The proposed response is appended to this report. Subject to any comments they may wish to make, Members of the re3 Joint Waste Disposal Board are recommended to endorse the response.

UK Emissions Trading System

5.14 the Department for Business Energy and Industrial Strategy (BEIS), is consulting about about the introduction of an emissions trading system (ETS) for the UK.

5.15 The Government wishes to align its ETS, with its plans for net zero by 2050 and to ensure continuing progress as the UK replaces the European Union ETS.

5.16 The consultation seeks feedback on a wide range of proposals, covering aspects of trading mechanisms and relating to other sectors such as emissions from maritime and aviation industries. The proposed re3 response will be directed only at proposals for the inclusion of energy from waste plants in an UK ETS.

5.17 The BEIS proposals seek to introduce a levy on the combustion of what is termed 'fossil waste' – waste such as plastic which is high in carbon content. BEIS estimates that EFWs treat waste '*which is predominantly mixed black bag waste [and] typically assumed to be 50% from biogenic material and 50% from fossil material*'.

5.18 The assessment of the content of emissions is proposed to be made either from an analysis of actual EFW emissions or via an analysis of the composition of waste inputs.

5.19 DEFRA estimates that the levy will be applied at c£31.00 per tonne. For re3, that would amount to an increase in costs of £2.2m per annum.

5.20 The draft re3 consultation response makes four principal observations. They are as follows:

1. That there is a considerable risk that insufficient UK, or near continent, processing and recycling capacity will exist at the proposed date for the introduction of an ETS (currently intended for later this decade). Without sufficient capacity for recycling, the measures will represent an unavoidable tax, rather than a levy.
2. That there is potential for waste to be diverted to landfill, if the levy (and market responses to it) made it financially beneficial for the current clients of EFW plants to do so.
3. That the levy should be applied on an escalating basis, starting at a very low level. This to enable alternative treatments to be developed and to act as an encouragement to divert 'fossil waste' from EFW.
4. That the emissions of EFW plants, rather than the composition of waste inputs, should be measured to determine the apportionment of the levy.

5.21 The proposed response is appended to this report. Subject to any comments they may

wish to make, Members of the re3 Joint Waste Disposal Board are recommended to endorse the response.

6 ADVICE RECEIVED FROM ADMINISTERING AUTHORITY

Head of Legal Services

- 6.1 No advice sought for this report, as it relates to consultation responses only. When the draft legislation is known, the JWDB should seek advice on the impact for the three councils.

Corporate Finance Business Partner

- 6.2 None for this report, as above.

Equalities Impact Assessment

- 6.3 None.

Strategic Risk Management Issues

- 6.4 None

Climate Impact Assessment

- 6.5 None from the proposed consultation responses.
- 6.6 The re3 Councils are not specifically rejecting the inclusion within a UK ETS of EFW. The re3 Councils are keen to see BEIS ensure that sustainable waste recycling capacity exists in alignment with the introduction of a UK ETS, so that emissions can be avoided.

7 CONSULTATION

7.1 Principal Groups Consulted

Not applicable.

7.2 Method of Consultation

Not applicable.

7.3 Representations Received

Not applicable.

Background Papers

N/A

Contacts for further information

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re3 Partnership

Draft responses for three current consultations are included in this document. They are as follows:

1. “DIY” Charging
2. Booking Systems
3. UK Emissions Trading System

Draft partnership responses:

1.

‘Technical consultation on preventing charges to householders for the disposal of “DIY” waste at household waste recycling centres’.

This briefing note incorporates detail on the justification for the proposal, from the Department for the Environment Rural Affairs (DEFRA) and the Department for Levelling Up Housing and Communities (DLUHC), to prevent the levying of charges for some currently non-household and discretionary types of waste.

The re3 councils currently levy such a charge, to cover the treatment cost only of wastes such as soil, rubble, sinks and toilets. If the proposal results in a change to the Controlled Waste Regulations 2012 (to bring the relevant legislation in line with a stated Government aspiration), the re3 councils would be worse-off by c£170,000 per annum. DLUHC has stated that no normal ‘Net Burdens’ payment will be considered for this proposed change.

DEFRA and DLUHC explain their proposal as follows:

To clarify in legislation when construction waste should be treated as DIY waste and should therefore be classified as household waste. We have set out in [Appendix A](#) the types of waste materials that might be included in DIY waste, however, this is a non-exhaustive list.

We consider DIY activities to include any construction work, such as building, decorating, or repairing activities, carried out by householders by themselves in their own homes. This would not include, for example, a whole house renovation, or any work done by a tradesperson, but it might include the householder tiling a kitchen, plumbing in a sink, plastering a room, building and installing shelving, building a raised bed for a garden etc.

The Government’s policy is clear that householders should not be charged to dispose of DIY waste at HWRCs. We propose that construction waste should be considered DIY

Waste and classified as household waste in the 2012 Regulations when it meets certain criteria. We propose that these criteria are:

- The construction waste is produced by householders whilst carrying out construction works themselves at their home. Construction is defined in the 2012 Regulations as including improvement, repair or alteration.
- The construction waste is not produced as a result of commercial activities or by a commercial contractor charging for work in a domestic premises.
- The construction waste is of a volume, which is no greater than 300L (based on the approximate boot size of a family car).
- The construction waste is not produced on a regular basis requiring HWRC visits more frequently than once a week.

The proposed criteria are intended to allow householders to deposit DIY waste for free (as it should be treated as household waste) but for local authorities to still be able to charge for other construction waste, which is classified as industrial waste. For example, if a householder brought more than 300L of construction waste to the HWRC or brought 300L of construction waste to the HWRC on a regular basis, it would not be DIY waste and could be charged for. Equally, if a tradesperson brought any amount of construction waste, it would still be industrial waste.

The consultation then asks a short series of questions about the proposal. They are copied below and, in each case, are accompanied by a proposed re3 response, [in blue type](#).

6. Do you agree or disagree with these technical principles when the Government amends the 2012 regulations?

[We disagree with the technical principles. The new criteria for “DIY” waste are not sufficiently well defined, are individually and collectively problematic and impractical to apply.](#)

7. Given the Government's stated policy, do you agree or disagree with these tests on whether construction waste should be treated as DIY waste and classified as household waste, and should not be charged for when disposed of at a HWRC, when:

	Agree (include)	Disagree (exclude)
The waste is produced by householders whilst carrying out small-scale construction or demolition works at their home		<p>We think this should be excluded because this condition is impractical to assess and our charging system is already fair and works well.</p> <p>See responses (1-3) to Q8 below.</p>
The waste does not arise from activities that generate an income for		<p>We think this should be excluded because this</p>

the person who carried them out		condition is impractical to assess and our existing charging system is fair and works well. See response (4) to Q8 below.
The waste is not produced on a regular basis requiring HWRC visits more frequently than once a week		We think this should be excluded because this condition is impractical to measure and via our charging system there is no need to limit visits to once per week. See response (5) to Q8 below.
The volume of waste is no greater than 300L (based on the approximate boot size of a family car)		We think this should be excluded because this condition has potential to encourage residents to overload their vehicles. See response (6) to Q8 below.

8. If you have disagreed with the inclusion of any of the above criteria, please state why, indicating which part of the criteria you are referring to in your response.

The criteria for “DIY” waste are individually and collectively problematic, and impractical to apply, for the following reasons:

- (1) There is no need to make this change to the 2012 Controlled Waste Regulations. Where the levy of a charge for some types of non-household waste is currently made at a re3 HWRC, it is legitimate and reasonable. As the consultation recognises, construction waste is defined in the 2012 Controlled Waste Regulations as including ‘improvement, repair or alteration’.

References, within supporting documentation, to the Local Government (Prohibition of Charges at Household Waste Recycling Centres) (England) Order 2015 are erroneous. The Order was a response to the potential for ‘discretionary’ HWRCs and the potential for a charge to be levied upon access (not related to waste type). It was specifically not designed to address charging for non-household waste and the original DCLG discussion paper (January 2015) illustrates this point at paragraphs 2 and 5.

- (2) Where a charge is currently levied by the re3 partnership, it asks the beneficiary of the works to pay for the waste they, or tradespeople on their behalf, have generated. The re3 charges are non-profit making and cover only the costs of treating the waste. In contrast, the proposal made by DEFRA and DLUHC would burden all taxpayers

with the (aggregated) costs of the waste from those residents who can afford to make improvements, repairs or alterations.

- (3) Sensible and reasonable controls on the ingress of waste, from improvements, repairs or alterations, are a necessity, to control costs. The purpose of controlling costs is to preserve the sustainable delivery of the suite of essential services, currently offered by councils to local residents. The proposals, made by DEFRA and DLUHC, remove and deny some sensible and reasonable controls, and will likely increase the amount of waste deposited at HWRCs (to the financial detriment of councils and private waste contractors).
- (4) Total amounts of waste received will likely increase because the proposal will clearly encourage tradespeople, Landlords and private businesses to seek to circumvent the new conditions. Even where waste has been generated as a result of commercial activities, it will be possible to present it as household waste without a practical basis for HWRC staff to query and/or prevent its acceptance. This will render uncontrollable a class of wastes which fall under the Controlled Waste Regulations.
- (5) Assessment of how many times each week a resident, or representative of a commercial organisation masquerading as a resident, has deposited “DIY” waste at an HWRC will be costly and/or impractical. Nevertheless, councils will inevitably need to seek a means to apply that condition, or face potentially unaffordable increases in costs. Current conditions at re3 HWRC sites are more reasonable to residents and don’t require a weekly limit on access in that way.
- (6) There is a good chance that the conditions, as drafted, could encourage breaches of safe driving conditions and/or drivers being punished for overloading their vehicle.

The proposal is making a judgement on the basis of volume without apparently giving sufficient consideration to mass. This is important because, by its nature, so-called “DIY” waste is often heavy. The following simple example explains why:

The proposal specifies a limit for “DIY” waste of 300 litres (0.3M³)

0.3M³ of topsoil (moist) weighs c0.43t (430kg)

The permissible payload of a 2018 Ford Focus is 375kg

It is important to recognise that the permitted payload of a vehicle includes the driver and any passengers (at c60-80kg per person). Based on the above example, an average-sized vehicle, with a driver and a single passenger, may be at risk of exceeding the permissible payload (Gross Vehicle Weight (GVW)) of their car with even 50% of the proposed 300 litres of waste.

Vehicle roadworthiness will remain the responsibility of each driver, and/or employer. However, the proposals put forward by DEFRA and DLUHC will encourage residents to maximise what they can deliver to the HWRC. They will do so, to avoid any inconvenience from the condition which limits visits to ‘more frequently than once a week’, or simply because the definition mentions a limit of up to 300 litres as a guide to what residents should be entitled to.

Regardless of the likelihood of overloading, or the specific quantifiable characteristics of different waste types and vehicles, this specific approach to defining “DIY” waste appears to have been given insufficient consideration.

9. Do you have any other views on the technical circumstances in which construction waste should be considered DIY waste and classified as household waste?

The technical circumstances of the proposed change impact on the materiality of the proposal to both local government and residents (as recipients of a suite of essential services that are delivered by local government). Accordingly, it is an oversight that neither DEFRA nor DLUHC have explained the financial and economic impact of the proposed change in legislation (alongside other factors). In neither case has a justification, with evidence, been made.

The Controlled Waste Regulations 2012 appear to have worked well. The definitions have demonstrably supported the technical control of waste, through a time of great change. In combination with other proposed changes in legislation (such as anticipated Secondary Legislation in support of the Environment Act 2021 and that related to plans for a UK Emissions Trading System (ETS)), significant and repercussive financial and technical impacts can be anticipated. The individual and net impact of these combined changes do not appear to have been quantified. The impacts will certainly challenge the financial sustainability of local government waste services (and impact upon local government as a whole).

In that context, we predict that the choice of DLUHC to waive the New Burdens Doctrine (NBD) will prove particularly harmful for local government. The DLUHC justification for waiving NBD is wholly insufficient and is accompanied by no evidence. The current sum of payments by re3 residents for chargeable non-household waste, is c£170,000pa. DLUHC must recognise both the loss of that contribution to existing costs and the inevitable rise in costs, as more waste is attracted to HWRCs that can no longer apply effective agency over the ingress of commercial waste.

We would also refer you to the response statement of the LGA, to this consultation. It says:

Responding to the Government’s announcement on a consultation on charges for DIY waste and recycling centre booking systems, Councillor David Renard, Environment spokesperson for the Local Government Association said:

“Councils, as the primary managers of environmental services are best placed to decide what works best for their areas.

“The disposal of non-household waste, such as DIY waste and tyres, is a non-statutory duty. As a result, some councils have had to introduce charges for this waste due to the rising costs of providing the service and the financial pressure they are under.

“Money raised from charges goes back into services so councils can continue to offer disposal facilities for these materials to residents, who would otherwise find them difficult to get rid of and will ensure that the system is not abused by those seeking to dispose of trade waste for free.

“To deal with pressures and ensure social distancing compliance during the pandemic, more councils introduced booking systems for recycling centres. Many have continued this practice as they have found it best suits the needs of their area.

“Manufacturers can improve recycling rates and deter fly-tipping by providing more take-back services so people can hand in old furniture and mattresses when they buy new ones.

“Our own polling shows eight out of 10 people are happy with the way their local council collects their rubbish.”

As the statement points out, councils are best placed to determine the delivery of services to residents at a local level. This proposal removes such discretion.

If a new definition, to identify “DIY” waste must occur, these conditions should be adopted:

- DIY Waste should be properly defined, recognising characteristics which are technically applicable and allow for operational management.
- Councils should be entitled to continue charging for the new DIY waste category, but:
 - i. Charges should be at cost only, and totally non-profit making.
 - ii. Charges should be limited to a much smaller list of waste types than is listed within this consultation. For example: [re3 HWRC Charges and Access](#).
 - iii. Charges should not be levied against waste types that can, and should, be recycled. This would include wood, guttering, drainage pipes.
 - iv. Charges should be levied on all waste listed at (ii) above.

Those conditions are reasonable and would support the practical operation of HWRC access systems, unlike the current proposal. They would moderate the impact from the inevitable ingress of trade waste (that the current proposal will only encourage). These proposals seek to protect council taxpayers in general from rising costs.

DEFRA and DLUHC should take account of the considerable delivery experience that exists within local government. Prior consultation with local authorities could have helped to avoid the impractical aspects of the current proposal.

2.

Draft Partnership response:

'Call for evidence on booking systems at household waste recycling centres'.

This briefing note incorporates the questions, from the Department for the Environment Rural Affairs (DEFRA) and the Department for Levelling Up Housing and Communities (DLUHC), about booking systems for Household Waste Recycling Centres (HWRCs).

DEFRA and DLUHC explain their proposal as follows:

Government believes that it is important that local residents are able to dispose of their waste in a responsible and convenient manner. As we move away from restrictions caused by the pandemic, it is now important we move back to normality. There is increasing concern that in some cases booking systems are discouraging HWRC use, with a risk of both increased residual waste and fly-tipping as a result.

Our [Resources and Waste Strategy \(2018\)](#) commits to review HWRC guidance. The Environmental Protection Act 1990 requires Waste Disposal Authorities to provide HWRCs which are "available for the deposit of waste at all reasonable times". This is potentially hard to reconcile with many booking systems, particularly those with a limited supply of appointments, or which seek to place additional burdens on local residents using them.

We are interested to understand the approach your authority intends to take in this respect, any rationale you have for maintaining the use of booking systems in place and any evidence you may have on the impacts on recycling levels in your area. We plan to review the number of booking systems which remain in place later in the year.

The consultation then asks a short series of questions about the proposal. They are copied below and, in each case, are accompanied by a proposed re3 response, [in blue type](#).

11. Do you currently have a HWRC booking system in place?

[Yes.](#)

12. What type of booking system do you operate?

- Residents contact us to book a specific slot
- Residents use sites at certain times based on address, number plate etc.
- Other (please specify)

[Other](#)

[The re3 partnership uses a booking system operated by Booking Lab. Residents are able to quickly and easily book a slot for their visit/s at either of our two HWRC sites. Same day](#)

bookings are available. Information is shared with residents in advance of the booking and each booking can be cancelled if plans are changed.

13. Please outline the key reasons why you have a booking system in place

On March 23rd 2020, the day on which the first lockdown was announced, one of our sites had over 1500 visits (one new visitor every 20 seconds). Under those conditions, social distancing was impossible. The Booking system allowed us to moderate the flow of arrivals to support social distancing, meaning we could maximise the efficiency of the site throughout each day – rather than reaching saturation and/or gridlock at the busiest times.

Throughout 2020 and 2021, as guidance on social distancing (and other pandemic conditions) evolved, the booking system remained in place, to support service provision. At the same time, and particularly as social-distancing conditions were further relaxed, it became increasingly apparent that there were wider benefits from the booking system.

Those benefits are as follows:

- Reduced queuing
- Improved conditions, on site, for users.
- Improved access to the waste facilities for council refuse freighters and other council users
- Reduced impact from queuing on neighbours of the two HWRCs
- Close to real-time assessment of patronage of the HWRCs, per council.

Alongside the benefits listed above, residents expressed their satisfaction with the booking system via annual User Satisfaction Surveys. 87% said they experienced shorter queues, 78% said it was easier to recycle and 94% of respondents said the booking system is easy to use. When asked, 9% of respondents said that it was hard to get a booking when they wanted one.

Comparing 2019/20 and 2021/22 there was a 34% reduction in visitors and only 13% reduction in waste. So, we feel confident that residents have made more efficient visits to the HWRC (and that perhaps some previous visits were not wholly necessary).

14. Please outline the key reasons why you do not have a booking system in place.

N/A

15. What are your future plans for the booking system?

- Retain indefinitely
- Retain until some point in 2022
- Unsure
- In the process of removing
- Will remove by a certain date
- Other (please specify)

Other

The re3 partnership has not yet decided on the future of the Booking System.

16. Please outline any evidence you have on the impacts of booking systems on recycling levels in your area

2019/20 HWRC Recycling Rate 73%

2021/22 HWRC Recycling Rate 71%

17. Please outline what other restrictions, if any, you impose on residents bringing waste to your HWRC? For example, limits on size, or on vehicles type can use.

Vehicles over 3.5t GVW are not allowed.

18. Do you use measures such as ANPR or similar approaches at your HWRCs?

No. We specifically do not use ANPR because the data it captures is not purposeful.

3.

Draft Partnership response:

'Reducing emissions from waste – a call for evidence on expanding the UK ETS to include waste incineration and energy from waste'.

This briefing note incorporates the questions, from the Department for Business Energy and Industrial Strategy (BEIS), about the introduction of an emissions trading system (ETS) for the UK. The Government wishes to align its ETS, with its plans for net zero by 2050 and to ensure continuing progress as the UK replaces the European Union ETS.

The entire policy package for ETS covers areas such as trading in unallocated allowances, market stability, policies relating to the aviation and maritime sectors. This note, and the draft re3 response, relates to the proposal to include the combustion, for energy generation, of fossil-fuel based waste. It will consider only the questions that are specifically relevant to the waste sector.

BEIS introduce this section of the consultation as follows:

Why we are exploring expanding the UK ETS to cover emissions from waste incineration and EfW In their recently published progress report, the CCC stressed that Government needs to “address with urgency the rising emissions from, and use of, Energy from Waste”. The report recommended that Government consult in 2022 on the introduction of a carbon tax (either as part of the UK ETS or a separate instrument) aimed at curbing rising emissions from EfW. 113 This call for evidence seeks to understand how the UK ETS could be expanded to cover waste incineration and EfW. The UK ETS may help raise the efficiency of conventional EfW plants by incentivising more plants to supply heat (i.e. heat offtake), or by potentially encouraging residual waste to be recovered in a way which lowers overall carbon emissions, such as chemical recycling.

The consultation then asks a series of questions about the proposal. They are copied below and, in each case, are accompanied by a proposed re3 response.

126) Do you agree that the UK ETS should be expanded to include waste incineration and EfW? (Y/N) Please outline your reasoning, including alternative options for decarbonisation of the sector outside of the UK ETS.

No.

Other plans must be in place before EFW could reasonably be added to a UK ETS.

Up to 90% of users of EfW plants in the UK are local government (or local government contractors). This proposal is accompanied by no firm plans to increase the capacity for the recycling of what is termed in the consultation, 'fossil waste'. Without significant increases in processing and recycling capacity for materials such as plastics (that are produced using high carbon content materials), there may be insufficient alternatives, other than to continue

sending 'fossil waste' to EfW or landfill. In the absence of alternative (and far preferable) treatments, local government will be unable to avoid the proposed carbon price levy.

Those conditions will most likely apply to plastics in general, if as Government anticipates, measures introduced through the Environment Act 2021, increase the capture of high-quality plastics. But it will also be a problem for the lower value plastics that councils will be obligated to collect, and which also have a high fossil-fuel-based content.

Significant uncertainties remain, about whether there will be UK, or near continent, recycling capacity and sustainable markets for plastic films and other fossil-fuel based packaging.

As this measure is apparently directed at encouraging reductions in emitted carbon dioxide, alternatives to EFW must be available. Without sufficient recycling capacity, customers of EFW services will effectively be unable to avoid the levy. If those conditions transpire, the levy will effectively represent a tax only.

We understand the carbon price levy will amount to >£31.00p/t* or, for the re3 councils, equivalent to an additional cost of >£2.17mpa.

Until a more coherent, whole system and cross-Departmental, approach to waste management is in place, BEIS should not consider the introduction of a levy, which has the impact of another tax.

* WRAP estimates (2017) fossil component of residual waste is 47.97%, equivalent to 0.447t/t of CO2 emissions. At the current traded price for carbon of £69.37 p/t of CO2, an estimate for the carbon price levy, discussed herein, would be c£31.00

127) Do you agree that all types of waste incinerators should be included in the UK ETS? (Y/N) If you believe certain incineration activities should be exempt, e.g. incineration of hazardous or certain healthcare waste, please provide details and specify which waste stream.

No.

Incinerators that combust household waste should be exempt until sufficient treatment options exist for the 'fossil waste' portion to be treated.

128) Do you believe ATT should be included in the UK ETS? (Y/N) What challenges could arise as a result of including ATT, if any, that are different to conventional waste incineration plants?

Yes.

129) Do you agree that the point of MRV obligation for the UK ETS should be placed on the operators of waste incinerators and EfW plants? (Y/N) Please outline your reasoning in as much detail as possible and provide evidence to support your views.

Monitoring, reporting and verification (MRV) of emissions, should be undertaken where it is most practical to do so. Since the point of the proposal is to measure the emissions from an

EfW plant, it would seem most likely that the operators of the plants (whose emissions are already monitored) should be held responsible.

130) If the point of MRV obligation is placed on operators of waste plants, should waste companies/operators or customers (either LAs or commercial and industrial customers) be responsible for meeting compliance obligations? (Y/N) Please outline your reasoning in as much detail as possible and provide evidence to support your views.

Responsibility for compliance obligations will likely be a matter for each individual, commercial contract. Given the specific, and sector-specific, nature of the changes proposed, it is likely that they will represent a Qualifying Change In Law. Whether MRV costs (assuming that is what is meant by 'compliance obligations') could be passed to a client, will need to be determined on a contract-to-contract basis.

131) Do you believe that the Small and Ultra Small Emitter schemes that are currently available to eligible UK ETS participants should also be available to waste incinerators and EfW plants? (Y/N) Please provide details including, where relevant, whether your organisation is likely to be eligible for these schemes based on current rules.

Yes.

132) Which MRV proposal do you believe should be implemented to determine the UK ETS obligation for waste incinerators and EfW plants?

- i) If Option A, please provide your views on which methods could be used, along with any information on the practicality of their implementation and likely costs.
- ii) If Option B, please provide your views on how these emissions factors should be calculated, along with any information on the practicality of implementation and likely costs.

In your answer, please outline how frequently fossil emissions should be monitored under both options and consider whether there are other suitable MRV options that we have not identified.

Option A would seem to be the most effective method – not least for the reasons given in the consultation document, and specifically:

- That the heterogeneity of waste may vary significantly between plants, and thus plant by plant measurement would likely be more accurate as a means of reflecting emissions for the purposes of a carbon price levy and encouraging specific and targeted steps to reduce emissions.
- To best support behaviour change, sampling should be of emissions rather than waste inputs. That will recognise the relative efficiency of each plant (and its inputs) whereas a composition-based form of assessment would not reflect the plant itself.
- That radiocarbon measurement has been in use for similar sampling for a long period of time and is supported by an ISO standard.

MRV should be scheduled to an extent that balances the needs of stakeholders with the practical steps required to capture an accurate sample.

In some similar situations, a schedule for sampling is established, for example at six-monthly intervals, but an additional opportunity to commission a further sample is available to each party (at their cost) if they feel that a scheduled sample was not accurate. Such a facility may not be needed in the case of radiocarbon measurement, which one would assume is accurate and objective.

133) Do you believe that one of the MRV options proposed is more likely to lead to perverse incentives (e.g. more waste diverted to landfill) or to unintended consequences as a result of applying the UK ETS to waste incineration and EfW? Please consider different scenarios and provide evidence to support your views where possible.

The MRV proposals themselves are unlikely to prompt perverse incentives or unintended consequences. However, the wider proposal could do so. If the cost of the levy is too high, or there are no ways to sustainably avoid the levy (as discussed at 126, above) then there would be a case for considering alternatives to continued use of EFW to the same extent.

EFW is a destruction treatment, which is designed to unlock and capture the embodied energy within waste. The process can only be undertaken once. In contrast, the environmental impact from the landfilling of, for example, plastic packaging might be far less than from the burning of the same material. In theory, the controlled landfilling of sorted plastic may have very little impact on the environment and may allow the waste to be recovered at a later date.

From the perspective of individual councils, the concept of 'perverse incentives' may be different to that meant by BEIS. Local Government is under severe financial and funding pressure. If the application of a levy on EFW meant that landfill became the cheaper option, then the diversion of waste to landfill might not be perverse (in the context of overall financial outcomes and the sustainability of other services). To avoid the 'unintended consequence' of more waste going to landfill, BEIS should act now. Any measures which can help the ultimate recipients of the levy (principally local government) to avoid it, would be welcomed. Such measures (tapering from a very low level, support for the reprocessors of 'fossil waste', particularly plastic) would help to guard against the unintended consequences referred to in this consultation.

It is important to state that the re3 partnership has no intention of landfilling plastic. The re3 partnership has an excellent record of recycling a wide range of plastics within the UK.

134) Do you believe any additional greenhouse gases, other than CO₂, that are emitted by EfW plants or incinerators, should be covered by the UK ETS? (Y/N) If so, please provide details on which gases and how it could work in practice.

N/A

135) How would the application of an ETS to waste incineration and EfW impact stakeholders (including operators of waste incinerators, operators of EfW plants, LAs, consumers, customers)?

An ETS will make increase the cost of EFW services.

An ETS will add obligations for monitoring and reporting which may be materially significant, when compared to current obligations.

An ETS will most likely lead to Local Authorities paying far higher costs for EFW than they are at present, with little prospect (at the outset) of avoiding the levy.

An ETS will likely impact on the cost of the alternative forms of treatment that the proposal is designed to increase. As we have seen with EFW prices (which, over many years, often tracked the annual Landfill Tax escalator) the price for processing (including recycling) 'fossil waste' will refer to the cost of the EFW levy (which may not reflect a reasonable cost for processing that material).

136) Could the introduction of a carbon price incentivise waste operators and/or LAs to improve their operations or processes to reduce fossil waste being incinerated? (Y/N) Please outline your reasoning in as much detail as possible and provide evidence to support your views.

Yes.

If alternative means of treatment are available, the current customers of EFWs may be encouraged to utilise the alternatives. This principal certainly seemed to work in relation to landfill avoidance, following the introduction of the Landfill Tax.

Has BEIS done enough practical preparation to support the development of alternative treatments? If not, the process of transition will be extended and unduly costly for stakeholders. Preparing the conditions to support the change would be incredibly helpful (as opposed to simply assuming that the change will eventually ensue, by virtue of market forces). That might take the form of incentives and support for UK plastics reproducers, particularly those of hard (e.g. garden furniture, toys) and soft plastics (e.g. film), which have not relied-upon sustainable markets thus far.

137) Could the introduction of a carbon price incentivise LAs to support households to improve recycling practices? (Y/N) Please outline your reasoning in as much detail as possible and provide evidence to support your views.

Such measures probably won't make a material difference to LAs, relative to current conditions. There are already many reasons to improve recycling collections and LAs are motivated to do so. However:

- i. There is considerable uncertainty over the requirements of the Environment Act and what conditions it will place upon councils.
- ii. There is an expectation that the requirements of the Environment Act will increase the service burden on councils and result in a net reduction in funding.
- iii. As above, if the carbon price levy (Departmentally applied but locally realised) cannot be avoided, because sustainable markets for 'fossil waste' don't exist, the cost of paying the levy will place further financial pressure on LAs and lessen the funds and resources available to engage with residents to improve recycling, and may lead to reductions in other services.

138) Is there opportunity (in the medium-long term) for the carbon price to incentivise waste operators and/or LAs to invest in carbon capture and storage infrastructure, to reduce fossil carbon emissions? (Y/N) Please outline your reasoning in as much detail as possible and provide evidence to support your views.

Potentially, yes.

139) In the event of the carbon price being applied to waste operators, will waste operators be able to pass through their costs to customers (including LAs)? (Y/N) Please explain in as much detail as possible why, how, and to what extent this may or may not occur.

As above, given the specific, and sector-specific, nature of the changes proposed, it is likely that the changes will represent a Qualifying Change In Law. However, whether costs could be passed to a client, will need to be determined on a contract-to-contract basis.

140) For LA owned plants, would unitary authorities and waste disposal authorities be the only authorities exposed to the carbon price – in the event of waste operators passing through costs? (Y/N) Please explain in as much detail as possible and provide evidence to support your views.

N/A

141) Do you believe that government should consider phasing in ETS obligations to the sector over time? (Y/N) If yes, please outline why, how, and to what extent phasing options could be provided.

Yes. An escalator, as used with Landfill Tax, could provide much needed headroom, to enable alternative treatments (and potentially carbon capture and storage) to be developed and introduced.

We understand that the introduction of a similar levy in Sweden was commenced, in 2012, at a rate equivalent to £3p/t and escalated over the course of 10 years to a current rate of c£28p/t (similar to the UK estimates quoted at Q126).

A carbon pricing levy which started at a rate no higher than £3 (as in Sweden), could help to encourage the desired investment, developments and behaviour change, needed to support the drive to net zero that this initiative is directed towards.

142) Would operators of incineration/EfW plants be exposed to competitiveness impacts abroad and carbon leakage risk, in the event of being exposed to the carbon price? (Y/N) Please explain in as much detail as possible and provide evidence to support your views.

We anticipate that EFw plants in other countries, particularly the EU, will be subject to similar obligations. If so, then the likelihood of competitiveness issues would be reduced.

143) Have you identified any other distributional impacts (including wider environmental or social impacts) arising from this proposal? (Y/N) Do you have views on how government could address these concerns?

The waste industry, and LAs in particular, is subject to a significant amount of legislative uncertainty at present. It remains unclear whether the impacts of the Environment Act and other policy changes, including this one, have been assessed holistically by sponsoring Departments (BEIS, DEFRA, HMT and DLUHC). If they have not, we should expect outcomes those departments have perhaps not sufficiently foreseen. Some examples of avoidable outcomes could include: (i) significantly longer lead-in times for compliance, (ii) LAs choosing to prioritise local imperatives (e.g. adult social care, child safe-guarding) over these obligations, potentially leading to (iv) waste being diverted to landfill.

144) What additional policies would be needed to support the UK ETS in decarbonising waste incineration and EfW? How would this change over time?

The UK has prioritised EFW as a means of reducing previous historic reliance on landfill. That has helped to reduce significant environmental impacts, including climate change impacts. However, there is now a reliance on EFW.

Carbon capture and storage, if retrospectively fitted to the EFW process could help all stakeholders during a transition. It could ensure the planned operational life of EFW plants was realised.

Thereafter, sustainable means of avoiding the need for EFW would most likely need to be developed. Increased recycling (including of food waste), increased reuse of waste and significant avoidance of waste would all help.

145) How would the expansion of the UK ETS to waste incineration and EfW interact with existing and planned policies in waste incineration, EfW, and waste management more broadly, as well as any other relevant non-decarbonisation policies?

This is something that Government (in the form of the aforementioned sponsoring Departments) should be able to explain to the waste management industry, LAs and the general public.

There is no doubt that the policies proposed here *could* have a positive impact, in concert with the wider legislative package being promised for waste management.

However, if Departmental assumptions are wrong, or have simply not been sense-checked against each other and across departments, then the outcomes could be very damaging indeed. The costs associated with this policy alone could cause significant financial pressure on LAs. The repercussions of that pressure could be damaging to LAs themselves but could also have impacts on residents.

146) Are there other parts of the waste management system that should be included in the scope of the UK ETS? For example, landfill or wastewater. (Y/N) Please explain in as much detail as possible and provide evidence to support your views.

N/A

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